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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,610	02/29/2000	Kenichi Ohta	1272.C0397	1685

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EXAMINER

PARK, CHAN S

ART UNIT PAPER NUMBER

2622

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/515,610

Applicant(s)

OHTA ET AL.

Examiner

CHAN S PARK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-15,18,31,33 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-15,18,31,33 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/2/04 has been entered.

Response to Amendment

2. Applicant's amendment was received on 11/2/04, and has been entered and made of record. Currently, **claims 1-5, 9-15, 18, 31, 33 and 38-40** are pending.

Response to Arguments

3. Applicant's arguments with respect to **claims 1-5, 9-15, 18, 31, 33 and 38-40** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-15, 18, 31, 33 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banton U.S. Patent No. 6,048,117 in view of Toda U.S. Patent No. 6,256,107.

4. With respect to claim 1, as set forth in the previous Office action dated 7/29/04, Banton discloses (col. 3, lines 45-56) a system (fig. 1) whereby a plurality of devices (scanner 70, MFD 15 (which is interpreted to be a copier), printer 45, and calibration server 80) are connected to a network 10, the system includes a pattern output means (printer 45 or MFD 15) for causing the selected image output apparatus to output a predetermined test pattern, as taught by Banton to calibrate a device a user initiates calibration by requesting either device to generate an electronic test pattern 100. The test pattern 100 includes a plurality of color patches 105 in response to an input color pattern. As shown in fig. 2, (col. 4, lines 6-38) the printer prints the color pattern and coded data, the printed matter is then subjected to either scanner on the MFD 15 or scanner 70, at this point the correction generation means for generating correction data for the particular apparatus is done through the calibration server 80. The calibration server sends calibrated data to the particular device through the network and the device is updated accordingly (col. 4, lines 39-60).

Banton, however, as currently amended, does not disclose expressly search means for searching a plurality of image output apparatuses connected to the network, obtaining mean for obtaining a state of each image output apparatus, and operation means for displaying a plurality of searched image output apparatuses and a state of each searched image output apparatus, and for inputting a user instruction according to the displayed states for selecting an image output apparatus, for which calibration is performed, from the displayed plurality of image output apparatuses.

Toda, the same field of endeavor of the network communication between copiers and printers, discloses a network copying machine (fig. 3) comprising:

a network interface for connecting said copying machine to a network (fig. 10);

search means for searching a plurality of image output apparatuses connected to the network (col. 19, lines 2-19);

obtaining mean for obtaining a state of each image output apparatus (col. 15, lines 53-67); and

operation means for displaying a plurality of searched image output apparatuses and a state of each searched image output apparatus, and for inputting a user instruction according to the displayed states for selecting an image output apparatus (col. 15, lines 53-67), for which printing of image data is performed, from the displayed plurality of image output apparatuses (col. 16, lines 18-25); and

image output means for causing the selected image output apparatus to print the image data (figs. 2 & 10).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include the obtaining means and the operation means of Toda in the calibrating system of Banton.

The suggestion/motivation for doing so would have been to confirm, before initiating the actual calibration of a printer, whether any of the network printers, which are to be calibrated, are in the unavailable state (col. 15, lines 57-59 of Toda).

Moreover, it would have been obvious to one of ordinary skill in the art to include a printer in the scanning device 70 of Banton.

The suggestion/motivation for doing so would have been to provide a copying and printing function in the scanning device 70 of Banton.

Therefore, it would have been obvious to one combine Banton with Toda to obtain the invention as specified in claim 1.

5. With respect to claim 2, Banton discloses the system, wherein said setting means registers the data generated by said correction data generation means in the image output apparatus through the network (col. 4, lines 39-60).

6. With respect to claim 3, Banton discloses the system, whereby a plurality of devices (scanner 70, MFD 15 (which is interpreted to be a copier), printer 45, and calibration server 80) are connected to a network 10, the system includes a pattern output means (printer 45 or MFD 15) for causing the selected image output apparatus to output a predetermined test pattern, as taught by Banton to calibrate a device a user initiates calibration by requesting either device to generate an electronic test pattern

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100. Banton does not explicitly disclose that any of the devices are electro-graphic printers whereas, Toda discloses that the network printers are digital copiers.

7. With respect to claim 4, Banton discloses the system, whereby a plurality of devices (scanner 70, MFD 15 (which is interpreted to be a copier), printer 45, and calibration server 80) are connected to a network 10, the system includes a pattern output means (printer 45 or MFD 15) for causing the selected image output apparatus to output a predetermined test patten, as taught by Banton to calibrate a device a user initiates calibration by requesting either device to generate an electronic test pattern

100. Toda discloses each of the copiers is a digital copier. Toda does not disclose expressly a specific utilization of an inkjet printer. Banton specifically teaches (col. 3, lines 29-30) that other types of color printing devices may be included, and that the system is related to devices such as MFD and plotters of which an inkjet printer is included in that class. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include/use an inkjet printer in the system of Banton.

8. With respect to claim 5, Banton discloses the system, wherein the predetermined test pattern includes a plurality of patterns each of which consists of a plurality of units for reading, each unit differing in an image output condition, and units having the same image output condition between the plurality of patterns have different relative positions in the predetermined test pattern (color patches 105 in fig. 1).

9. With respect to claims 9 and 10, Banton discloses a system wherein said pattern output means that allows for a plurality of image output apparatuses to be selected by

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said selection means to output the test patterns and respective identification information for identifying the image output apparatus outputting said test pattern, together (col. 3, lines 45-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that if the user so wanted to could cause multiple times to print out test patterns simultaneously. Further, Banton teaches (column 3, lines 19-44) that a plurality of devices can be in connection with each other and that the system is only a small representation, it would have been obvious that amount of devices that can be connected to a network is up to a system administrator, and in the case of Banton that both the printer and MFD can be caused to print out test patterns. Banton details in column 3, lines 54-67 and column 4, lines 1-5, that identification coded data is generated for each test pattern.

10. With respect to claim 11, Banton discloses the system, wherein said correction data generation means specifies an image output apparatus according to the identification information and controls an image output condition of the image output apparatus specified (col. 3, lines 54-67 & col. 4, lines 1-5).

11. With respect to claim 12, Banton teaches (col. 5, lines 20-31) that with the identification data 110 associated with a calibration print 100, the calibration process can identify which device printed the calibration print 100, what test pattern was printed, what an optimal output pattern should be, what format the color correction data should be in, and where to send the color correction data. The identification data 110 eliminates the need for a user to be involved in the recalibration process. Even in the scanning process, having the identification data 110 on the calibration print 100, a

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scanner can unambiguously scan the calibration print 100 and know the type and location of color patches it is looking for. It would have been obvious to one of ordinary skill in the art at the time the invention was made that with the ability scan the test sheet without user intervention and be able to identify the particular device on the network from the coded information that a stack of test pattern can be scanned simultaneously without user intervention.

12. With respect to claims 13 and 14, Banton teaches (col. 4, lines 61-67 & col. 5, lines 1-3) that the coded identification data is coded in a binary format using glyphs, which is a type of bar-coded information. Further, Banton details that any series or combination of alphanumeric or graphic symbols may be used to encode the identification data 110.

13. With respect to claim 15, Banton discloses the system wherein the identification information includes a network address of the image output apparatus connected to the network (col. 3, lines 54-67 & col. 4, lines 1-5).

14. With respect to claim 18, Banton shows the devices on a network and that specifically teaches to select a device on the network and that unit is updated after calibration, Banton does not specifically teach a display on the MFD and being able to select a device on the network through the display.

Toda, as set forth above in claim 1, teaches the method of selecting an image output apparatus from the displayed list (col. 16, lines 18-25).

15. With respect to claim 31, arguments analogous to those presented for claim 1, are applicable.

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16. With respect to claim 33, Toda teaches the image processing method wherein the plurality of image output apparatuses connected to the network to output respective predetermined image data at the same time (col. 16, lines 18-25 & col. 23, lines 7-18).

Banton teaches the method for specifying a relationship between the outputted predetermined test pattern and the image output apparatus outputting the predetermined test pattern (col. 3, lines 45-61) and the method for controlling the respective image output conditions of the plurality of image output apparatuses, based on the specified relationship and data of the predetermined test pattern read by the image reading means (col. 4, lines 40-61).

17. With respect to claim 38, arguments analogous to those presented for claim 1, are applicable.

18. With respect to claim 39, arguments analogous to those presented for claim 1, are applicable.

19. With respect to claim 40, arguments analogous to those presented for claim 1, are applicable.

Conclusion

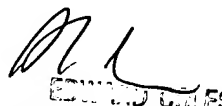
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
March 3, 2005

Chan S. Park
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
MAR 3 2005